

Dealing with unreasonably persistent contact from customers

Equality impact assessment

Equality impact assessment for dealing with unreasonably persistent contact from customers

Introduction

The Department for Work and Pensions (DWP) has carried out an equality impact assessment on the guidance for dealing with Unreasonably Persistent Contact from Customers (UPCC), which was revised in July 2010, assessing the revised guidance in line with the current and future public sector equality duties.

The assessment process will help to ensure that:

- the Department's strategies, policies and services are free from discrimination;
- the Department complies with current equality legislation;
- due regard is given to equality in decision making and subsequent processes; and
- opportunities for promoting equality are identified.

The equality impact assessment will show how the Department has demonstrated it has paid due regard when developing new services or processes to on the grounds of the protected characteristics. These are; race, disability, gender, age, gender reassignment, sexual orientation, pregnancy and maternity, religion or belief and marriage and civil partnerships (in terms of eliminating unlawful discrimination only).

Purpose and aim(s) of the guidance

In 2010 the guidance was reviewed and revised to ensure that DWP customers receive a full and final response to any issues they have raised before they are formally categorised as an 'Unreasonably Persistent Contact' customer.

This guidance is intended primarily for customer facing staff. However, staff in other areas of the Department, who receive frequent correspondence or telephone calls from customers, about an issue(s) which has already been fully and appropriately considered, and to which a full and final response has been issued, may also find it useful.

This guidance is intended to ensure that individuals who persistently contact the Department in their attempts to address issues of concern are treated in a manner

which is consistent with the standards set out in the [DWP Customer Charter](#) and the Parliamentary Ombudsman's [Principles of Good Administration](#).

Definition of unreasonably persistent customer contact (UPCC)

An unreasonably persistent contact is when a customer or their representative/ intermediary corresponds and/or telephones continuously or repeatedly about the same issue(s) after having received a full and final response to that issue(s), in line with established complaint/escalation procedures. If the complaint is regarding an Agency or Business within the Department for Work and Pensions, this usually means a response from, or on behalf of, the relevant Agency or Business Chief Executive or equivalent.

Unreasonably persistent customers may then write to other people within the department, including ministers and/or senior officials, in an attempt to obtain a different response to that which has already been provided by the operational arm of the business. This may be because they do not agree with or accept the answers and/or the redress provided to them.

However, staff need to be aware that the customer may be raising new issues which will need to be progressed in accordance with established complaints/escalation procedures.

Consultation and involvement

Whilst revising this guidance we consulted with DWP contacts that have responsibility for complaint resolution in Jobcentre Plus, Debt Management and the Pension, Disability and Carers Service. Who, in turn, consulted with operational colleagues to ensure that:

- the guidance does not discriminate and is best practice; and
- the businesses were involved with formulating and shaping the Department's guidance to support staff that may have dealings with customers who are registered as a UPCC.

Further consultation was undertaken with:

- the Independent Case Examiner – whose purpose is to act as an independent referee for people who feel that DWP Agencies or Businesses have not treated them fairly or have not dealt with complaints in a satisfactory manner.
- DWP Health, Safety and Well-being – One of three policy groups in the DWP and is responsible for policy advice to our Ministers on, working age welfare benefits, housing-related benefits, disability equality and international work; and
- Public, Parliament and Stakeholder Division (PPSD) - PPSD lead on answering, each year, around 30,000 letters to Ministers for the Department and provide replies to parliamentary questions relating to Ministerial

correspondence for Employment Group (EG), Welfare and Wellbeing Group (WWG) and Jobcentre Plus.

Impact of the guidance

A customer, their representative or their intermediary may write to or telephone the department frequently. However, this does not in itself make them an unreasonably persistent customer, it may simply mean that they have a variety of different issues or queries that require attention or that promised actions have not been taken.

Only when they have:

- exhausted all relevant internal escalation routes; and
- received a full and final response to all the issues raised, which incorporates appropriate signposting to any third party/independent review tier

should consideration be given to formally recording them as unreasonably persistent in relation to the issues which have been fully addressed.

The guidance ensures that staff understand customers can be considered as unreasonably persistent for one issue and still be able to raise other issues which we will consider as 'fresh' or 'new' issues. In this way, the guidance is designed to prevent customers being treated differently because they have been marked UPCC on one issue.

The guidance clarifies the process that must be followed to record a customer as unreasonably persistent, which ensures that each customer is treated as an individual on a case by case basis and details a specific process that staff should follow in all cases to ensure that all customers or their intermediaries receive treatment which is appropriate to their needs when a Designated Senior Manager is considering whether it is appropriate to record them as Unreasonably Persistent.

There is no evidence to suggest that the revised guidance impacts on any of the protected characteristics mentioned above and to ensure that we communicate effectively with our customers or their representatives we are able to correspond with them in the most appropriate way which suits their needs. We are able to provide notifications and letters in alternative languages. To do this we would contact the DWP translation service and arrange for the guidance to be translated into the appropriate language and this would then be issued to the customer or their intermediary.

We can also provide correspondence in other formats, such as Braille or large font should such a request be made. To do this we would contact the DWP translation service to request the document in Braille / larger font and this would then be issued to the customer or their intermediary.

Monitoring and evaluation

The guidance for dealing with unreasonably persistent contact from customers is subject to a bi-annual review. The review's purposes are to:

- ensure that the policy is consistent with new DWP/Government rules/policies;
- make sure that the terminology and language used is up to date; and
- ensure that the policy remains inclusive and does not inadvertently discriminate against any group.

In order to evaluate what, if any, impact the guidance is having on any of the equality groups, the Complaint Resolution Standards Team will engage with DWP operational businesses and other Government departments on a quarterly basis to explore whether there is any evidence of the guidance having an adverse / discriminatory impact on our customers (especially in respect to their gender, race and any particular impairments or conditions that they may have) and to share best practice

Next steps

There will be a bi-annual review of the guidance and the EIA to ensure that the information held remains current and that it remains applicable to the Department and its businesses/agencies.

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